



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF MANAGEMENT AND BUDGET
STATE PLANNING COORDINATION

January 28, 2008

Elizabeth A. Jiron
9485 Grace Lane
Greenwood, De 19950

RE: PLUS review – 2007-12-03; LBJ Consulting

Dear Ms. Jiron

Thank you for meeting with State agency planners on January 2, 2008 to discuss the proposed plans for the LBJ Consulting project to be located at 12385 Sussex Highway near Greenwood.

According to the information received, you are seeking a rezoning through Sussex County from AR-1 to Commercial for a consulting business in the existing residence.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Sussex County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Executive Summary

The following section includes some site specific highlights from the agency comments found in this letter. This summary is provided for your convenience and reference. The full text of this letter represents the official state response to this project. ***Our office notes that the applicants are responsible for reading and responding to this letter and all comments contained within it in their entirety.***

State Strategies/Project Location

- The Office of State Planning and Coordination has no objections to the proposed rezoning of the parcel identified just north of the Town of Greenwood to support the development of the proposed local business. This office does recommend however, that the applicant work with the County and other state agencies to address concerns to meet the proper zoning code designation and to allow for necessary entrances to US 13 and any needed storm water requirements. Finally, I would ask that the applicant continue to engage the Town of Greenwood to discuss the future of possible annexation into the community since the proposed is located within the future growth area for the Town.

Street Design and Transportation

- DelDOT's policy is to require a dedication of 50 feet from the centerline on principal arterial highways, such as Route 13 in this area.
- Because it is located on US Route 13 south of Camden, this development is subject to the Corridor Capacity Preservation Program (CCPP).

Natural and Cultural Resources

- If additional impervious cover is added, limit the cover to an area of less than 20%.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: Bryan Hall 739-3090

The Office of State Planning and Coordination has no objections to the proposed rezoning of the parcel identified just north of the Town of Greenwood to support the development of the proposed local business. This office does recommend however, that the applicant work with the County and other state agencies to address concerns to meet the proper zoning code designation and to allow for necessary entrances to US 13 and any needed storm water requirements. Finally, I would ask that the applicant continue to engage the Town of Greenwood to discuss the future of possible annexation into the community since the proposed is located within the future growth area for the Town.

Division of Historical and Cultural Affairs – Contact: Terrance Burns 739-5685

This parcel/property is between two known historic or cultural resource sites, and the developer should be aware that they are archaeological sites. The first archaeological site is Greenwood #3 (S-486, 7S-B-7), and it just north on the east side of Route 13 west side of Northwest Fork of Nanticoke River. The second archaeological site is Greenwood #4 (S-487, 7S-B-8), and it 8/10 mile north of Greenwood Junction of U.S. Route 13 and Road 16, east of U.S. Route 13 on west bank of Northwest Fork of Nanticoke River. Also according to the historic Beers Atlas/Map of 1868, it did show and indicate a dwelling of S. Pennewill was probably very close to the area to where this parcel/property is, and there is a possibility that there could potentially be or historic or cultural resources or archaeological resources associated with it.

The developer should also be aware that this parcel/property is within the historic vicinity of Northwest Fork Hundred. According to the historic Beers Atlas/Map of 1868, there is evidence on the atlas/map that indicates that the vicinity of Northwest Fork Hundred does have some historical areas. There is a possibility that there could potentially be other historic or cultural resources on this parcel/property because of the historical background of the area or vicinity. These historic or cultural resources could be archaeological resources such as be a cemetery, burial ground, unmarked human remains, or the parts or pieces or something demolished, destroyed, or ruined historically.

The State Historic Preservation Office of the Division of Historic & Cultural Affairs recommends the prior to any demolition, ground-disturbing activities or construction on this parcel/property that the developer show review Chapters 53 and 54, in Title 7, of the Delaware State Code. Chapter 53 pertains to the discovery and disposition of “Conservation of Archaeological Resources In or On State Lands”. Chapter 54 pertains to the “Delaware Unmarked Human Remains Act of 1987”, such as the discovery and disposition of Unmarked Human Burials or Skeletal Remains”. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

The State Historic Preservation Office of the Division of Historic & Cultural Affairs also recommends that prior to any demolition, ground-disturbing activities, or construction that the developer should consider hiring an archaeological consultant to check or examine parcel/property thoroughly, and see if there is any evidence or indication of potential historic or cultural resources, or archaeological resources on it, such as a cemetery, burial ground, unmarked human remains, or the parts or pieces or something demolished, destroyed, or ruined historically.

If the developer would like to discuss this information or recommendation in further detail, contact Mr. Terence Burns at State Historic Preservation Office of Division of Historic & Cultural Affairs at (302) 736-7400 ext.25.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) DelDOT's policy is to require a dedication of 50 feet from the centerline on principal arterial highways, such as Route 13 in this area. On divided highways, again such as Route 13, we measure that distance from the inside edge of the travelway, rather than from the actual centerline. Therefore the applicant should anticipate a requirement to dedicate any additional frontage needed to meet this standard.
- 2) Because it is located on US Route 13 south of Camden, this development is subject to the Corridor Capacity Preservation Program (CCPP). That program seeks to preserve the capacity of certain arterial highways to handle through traffic by managing access along them. A new entrance plan and permit will be needed if the proposed consulting business is to take place. DelDOT will allow the use of the site to continue with right-in, right-out access as long as the expected trip generation remains under 200 vehicle trips per day.

While its construction is not scheduled yet, our long range plans for the Route 13 corridor include a service road along northbound Route 13, ending a short distance south of the subject parcel. If the proposed rezoning is approved and the service road is built, an extension of it to serve this parcel will be completed, at which time access will be by the service road rather than Route 13. When that occurs, the 200 vehicle trip per day restriction will be removed. For more information on the CCPP, the applicant may contact the manager of that program, Mr. Charles Altevogt. Mr. Altevogt may be reached at (302) 760-2124.

- 3) In an April 20, 2007, letter to Sussex County, DelDOT indicated that the proposed rezoning does not warrant a traffic impact study (TIS). That is still the case.
- 4) If the rezoning is approved, the developer's site engineer should contact the DelDOT Subdivision Manager for western Sussex County, Mr. Derek Sapp, regarding specific requirements for access and off-site improvements. Mr. Sapp may be reached at (302) 760-4803.

**The Department of Natural Resources and Environmental Control – Contact:
Kevin Coyle 739-9071**

Water Supply

The project information sheets state that an individual on-site well will be used to provide water for the proposed project. Our records indicate that the project is not located in an area where public water service is available. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be constructed and located in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Water Resource Protection Areas

The Water Supply Section, Ground Water Protection Branch, has determined that the project falls entirely within an excellent ground-water recharge area for Sussex County (see following map and attached map). The application proposes rezoning from Residential to Commercial with the intent of using the property for office space. The Application infers that the present structure is to be used for office space and no new construction will take place.

Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast

contaminants will move and how much water may become contaminated (Andres, 2004). Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect the quality and quantity of ground water in these areas.

The proposed project will change the land use from Residential to Commercial with the intent of using the existing building as office space. The site plan submitted with the application shows only the existing structure. The applicant did not recognize that the existing building and driveway are impervious surface and did not state the percent of impervious surfaces as requested on the PLUS application form. The Applicant did not indicate adding additional impervious cover to provide additional parking. This type of land use (Commercial office space) has the potential to exceed DNREC recommendations for impervious surface.

The Water Supply Section recommends that the portion of the new development within the excellent ground-water recharge potential protection area not exceed 20% impervious cover. Some allowance for augmenting ground-water recharge should be considered if the impervious cover exceeds 20% but is less than 50% of that portion of the parcel within this area provided the applicant submits an environmental assessment recommending a climatic water budget and facilities to augment recharge. The environmental assessment must document that post-development recharge will be no less than predevelopment recharge when computed on an annual basis (Kauffman, 2005).

Ground Water Protection Branch recommends:

- If additional impervious cover is added, limit the cover to an area of less than 20%.

Augmenting the groundwater recharge with clean rooftop run-off systems are another alternative to maintaining the quality and quantity of water recharging the aquifer (Kauffman, 2005).

In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

References

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.

<http://www.udel.edu/dgs/Publications/pubform.html#investigations>

Delaware Department of Natural Resources and Environmental Control (2005): *Source Water Protection Guidance Manual for the Local Governments of Delaware*: Dover, DE. 144 p.

http://www.wr.udel.edu/publications/SWAPP/swapp_manual_final/swapp_guidance_manual_final.pdf

Kauffman, G.J., Wozniak, S.L., and Vonck, K.J., 2005, *Delaware Ground-Water Recharge Design Manual*: Newark, DE, Water Resources Agency, University of Delaware, p. 31.

<http://www.wr.udel.edu/swaphome/Publications/SWPguidancemanual.html>

LBJ Consulting (PLUS 2007-12-03) Excellent ground-water recharge potential area is highlighted in green. The parcel under review is outlined in blue.



Drainage

A detailed sediment and stormwater plan will be required prior to any land disturbing activity of 5000 square feet or more taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s)

and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Sussex Conservation District. Contact Jessica Watson at the Sussex Conservation District at (302) 856-7219 for details regarding submittal requirements and fees.

Underground Storage Tanks

There is one inactive LUST site(s) located near the proposed project:

Greenwood Service Center, Facility # 5-000339, Project # S9101002

No environmental impact is expected from the above inactive/active LUST site(s). However, should any underground storage tank or petroleum contaminated soil be discovered during construction, the Tank Management Branch must be notified as soon as possible. It is not anticipated that any construction specifications would need to be changed due to petroleum contamination. However, should any unanticipated contamination be encountered and PVC piped is being utilized, it will need to be changed to ductile steel with nitrile rubber gaskets in the contaminated areas.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

This Agency has no objection to the re-zoning request. The information provided below shall be considered when plans are being designed.

When the project involves a change in Occupancy and/or Use, the applicant shall provide completed application, fee, and three sets of plans in accordance with the Delaware State Fire Prevention Regulation.

Preliminary meetings with Fire Protection Specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Scott Blaier 698-4500

The Delaware Department of Agriculture has no objections to the proposed to rezoning 1.9 acres from AR-1 to C-1. The *Strategies for State Policies and Spending* encourages environmentally responsible development in Investment Level 3 areas.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Department of Education – Contact: John Marinucci 735-4055

This proposed project is in the Woodbridge School District. This is a rezoning request and review with no apparent impact on educational service delivery or infrastructure. DOE has no objections or comments regarding this rezoning request.

Sussex County – Contact Richard Kautz 855-7878

The project is within an area proposed for annexation by the Town of Greenwood. Prior to submitting the project to Sussex County the applicant should (1) contact the town to apprise them of the project and (2) determine if the terms for annexation can be agreed upon.

The site plan should also show compliance with the Route 13 Highway Corridor Overlay as required by 115-194.1 of the County Code, where applicable.

The project is proposed to be located within the Low Density Area. The current Comprehensive Plan does not anticipate intense commercial development and the proposed zoning is considered inconsistent with the Plan. A conditional use or B-1 would be consistent.

The Sussex County Engineer Comments:

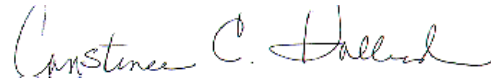
The parcel is proposed to use an individual on-site septic system.

The parcel adjoins the town of Greenwood. The Sussex County Engineering Department recommends contacting the Town of Greenwood for information regarding their plan and schedule for providing central sewer service to the area. Sussex County has no objection to the parcel having an onsite system. For questions regarding these comments, contact Rob Davis, Sussex County Engineering Department at (302) 855-7820.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in black ink, reading "Constance C. Holland". The signature is written in a cursive style with a large initial 'C'.

Constance C. Holland, AICP
Director

CC: Sussex County



LBJ Consulting

2007-12-03

